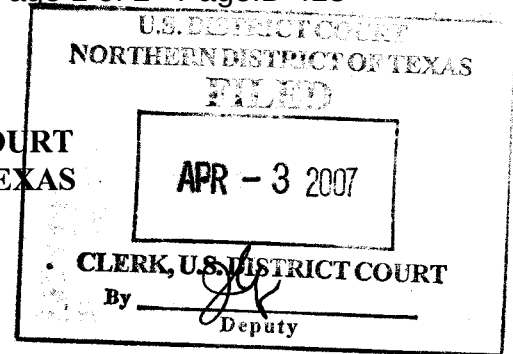


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



LAKEITH AMIR-SHARIF, #05081644,  
Plaintiff,

v.

SHERIFF LUPE VALDEZ, et al.,  
Defendants.

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3:06-CV-0408-M  
ECF

**ORDER**

After making the independent review required by 28 U.S.C. § 636(b), the Court finds that the Findings, Conclusions and Recommendation of the Magistrate Judge of November 9, 2006 are correct, and they are accepted as the Findings and Conclusions of the Court.

IT IS, THEREFORE, ORDERED that except to change the word "officers" in the sixth line on page 3 to "officer," and to add the word "his" after "grip" on the fifth line up from the bottom of page eight, the Findings, Conclusions and Recommendation of the Magistrate Judge are ACCEPTED, and Plaintiff's claims are DISMISSED with prejudice as frivolous pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2), and 42 U.S.C. § 1997e(c)(1), EXCEPT for the following claims on which process is hereby ISSUED: (1) excessive use of force claim against Defendant Jay Abell, (2) failure to intervene and stop the excessive use of force claims against Defendant Hayden, and (3) acquiescence in the use of force to maintain order at the Dallas County Jail, and failure to train and supervise (with respect to Officer Abell's use of force) against Defendants Dallas County, Sheriff Valdez, Capt. Ledford, and Chief McMillian. This Court notes that it is not now determining what, if any, damages Plaintiff may be entitled to if these claims are proven.

these claims are proven.

IT IS ORDERED that service of process is ISSUED as to Defendants Officer Jay Abell, Officer Hayden, Dallas County, Sheriff Valdez, Capt. Ledford and Chief McMillian on the above claims in accordance with Rule 4 of the Federal Rules of Civil Procedure, and that Defendants Sgt. Sanders, Dr. Steven Bowers and UTMB are hereby DISMISSED.

Since Plaintiff was previously granted leave to proceed *in forma pauperis*, the Court Clerk shall prepare and issue SUMMONS for Defendants Officer Jay Abell, Officer Hayden, Dallas County, Sheriff Valdez, Capt. Ledford, and Chief Deputy McMillian, and deliver the same to the United States Marshal for service of process pursuant to Rule 4, Federal Rules of Civil Procedure, along with a copy of the Amended Complaint, Plaintiff's answers to the original, first and second supplemental questionnaire, and the Recommendation of the magistrate judge.

IT IS FURTHER ORDERED that upon independent review pursuant to 28 U.S.C. § 636(b), the Court concludes that the Findings, Conclusions and Recommendations of the Magistrate Judge dated December 11, 2006 are correct and Plaintiff's motion for relocation (#48) and motion for protection (#41) are therefore DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion to Stay (#43) is DENIED as moot, in light of Plaintiff's Motion to Dismiss the Motion to Stay (#47).

The remaining claims are Re-Referred to Magistrate Judge Sanderson for pretrial management.

Signed this 3d day of April, 2007.

  
BARBARA M.G. LYNN  
UNITED STATES DISTRICT JUDGE